

MINUTES

The Tennessee State Board of Cosmetology held a meeting on April 7, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, Linda Colley Vice Chairman, June Huckleby, Muriel Smith, Janet Wormsley, Judy Golden, Nina Coppinger and Pearl Eva Walker, new board member. Lee Bowles was not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman H. D. Adcock welcomed everyone to the board meeting.

Chairman H. D. Adcock welcomed the new board member, Pearl Eva Walker to the board.

Chairman H. D. Adcock called for roll call.

MINUTES

Ms. Judy Golden asked that a correction be made to page 5 of the minutes. The new motion will be as follows:

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to instruct Ms. Beverly Waller, Executive Director to send a letter to each of the Cosmetology Instructor seminar providers with information about Dr. Peter Hunt, M.D. F.A.C.S. for seminar providers to consider as a possible presenter at the board approved Barber/Cosmetology Instructor Seminars. Motion carried unanimously.

MOTION was made by Ms. Linda Colley and seconded by Ms. Janet Wormsley to accept the minutes from the March 3, 2008 board meeting with corrections. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Mr. Tony Hoa Nguyen- Ft. Oglethorpe, Georgia - Present - Mr. Nguyen who had been approved to take the manicurist examination was in a manicurist shop performing manicuring services on three different occasions June 22, 2007, January 11, 2008 and January 25, 2008 when the inspector Mr. Chadwick visited the shop. This information was brought before the board at the March meeting because Mr. Nguyen is requesting to register for the manicurist examination. The Board requested he appear before the board today. Mr. Larry Chadwick, Inspector is present today also. Mr. Nguyen asked the board to give him one more chance. Ms. June Huckleby asked Mr. Chadwick if a violation was issued to the shop. Mr. Chadwick stated yes it was and the fine has already been paid.

Mr. Chadwick stated that the shop is always clean. Chairman H. D. Adcock emphasized the importance of following the rules and laws of the cosmetology board. Ms. Linda Colley stated that Mr. Chadwick does a very good job.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to allow Mr. Nguyen to take the manicurist examination and to flag his file. Motion carried unanimously.

Mr. Hennie De Wet- Placecol, The Science of Beauty – Present. Mr. De Wet is here today at the request of the board concerning the opening of “Placecol The Science of Beauty Skin Care Stores” in Tennessee. The Board requested he appear today to explain his treatments and equipment for plan usage in this skin care facility.

Mr. De Wet stated that this procedure is performed in South Africa. Mr. De Wet is requesting to open a skin care institutes in the State of Tennessee. Mr. De Wet stated he is not a licensed esthetician but he will have licensed estheticians. Ms. Judy Golden stated that this is not much more than what is approved by the board at the present time. Mr. De Wet stated that the estheticians will have advanced training for these services and products. Mr. Terrance Bond, Staff Attorney asked Mr. De Witt if he has contacted the Health Related Board. Mr. De Witt stated no he has not, but if needs to he will.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith to have Mr. De Witt take this before the Health Related Board before the board will make a decision. Motion carried unanimously.

Ms. Linda Colley stated that if the medical board agrees this belongs under the Cosmetology Board and not a medical board then report this to Ms. Waller, so that he may begin opening his skin care institutes. Motion carried unanimously.

Ms. Sarah James Sheldon – Nashville Cares – Present. Ms. Sheldon is here today at the request of the board. Ms Sheldon requested at the March meeting to offer “Manication” for clients at the Nashville Cares Facility and the board requested her appearance to discuss. Ms. Victoria Harris is present also today to discuss the services provided at the facility. Ms. Sheldon stated that manications are a combination of manicure and education. This is a support service, professional referrals and health education to HIV position men and women in a clinical setting. This service is meant to make the patient comfortable. The service will massage arms and hands, and paint a patient’s fingernails while talking. There will be no cutting, clipping or pricking, or manipulation of the cuticle of any kind involved. Only disposable supplies will be used, such as nail files. The board stated that filing and buffing falls under the manicurist license. The board asked if they could require licensed manicurist for the services. Ms. Sheldon stated they could take manicuring and buffing off of the menu so that it would relieve the liability of the board. Ms. Victoria Harris stated that this service is to prevent the spread of HIV. This service is contracted with Vanderbilt Hospital. Ms. Linda Colley stated that she admires their work. Ms. Sheldon stated that the board is welcome

to come see this service. Mr. Terrance Bond, Staff Attorney stated that he would need to research this so that they will be entitled to perform these services.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to request Mr. Terrance Bond, Staff Attorney to research the services. Motion carried unanimously.

Mr. Richard Bundy, Owner - Genesis Career College, Nashville – Mr. Bundy is here today to discuss with the board the approval of his floor plan for a cosmetology school and barber school with a folding partition between the cosmetology and barber theory class rooms. Chairman H. D. Adcock stated that as a school owner he has invested in these partitions and has no objection to using them. Ms. June Huckleby questioned the floor plan which has a barber and cosmetology school in the same building. Ms. Waller stated we have a school in Memphis also like this with a barber and cosmetology school in the same building. Ms. Linda Colley stated that this school is identical to a school in Clarksville and also one in the Memphis area. Mr. Bundy stated the partition is sound proof. Mr. Bundy stated the purpose for the partition is for hair shows, demonstrations, etc. when the school needs a large area.

MOTION was made by Ms. Linda Colley and seconded by Ms. Pearl Walker to accept the use of folding partitions in this school. Motion carried unanimously.

ADMINISTRATIVE REPORT

A letter from Georgia Career Institute requesting a letter of approval for the 620 hours manicuring/ nail technology program at the McMinnville and Murfreesboro campus was submitted to the office.

Chairman H. D. Adcock stated the school can require it but they can't force the student to do the additional hours before taking the examination. The board can not back it but it isn't anything wrong with them requesting it. It would be between the school and the student.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to send a letter to explain this. Motion carried unanimously.

Applications requesting change of location for Volunteer Beauty Academy, Nashville and Volunteer Beauty Academy, Madison was submitted to the office. Both schools have been inspected by the board member and inspector and found to be in compliance with all requirements.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to approve the change of location for both the schools. Motion carried unanimously.

Ms. Felecia Myers is requesting approval to use CEU hours obtained in Kentucky for the required CEU hours in Tennessee. If you will notice CEU hours obtained in

Kentucky were all obtained in 2007 with a total of 12 hours. Kentucky requires 14 hours every year. Ms. Myers was required to attend CEU's in Tennessee in 2006 and did not ask for approval of Kentucky hours until her renewal was due in Tennessee.

Ms. June Huckleby stated that Ms. Myers should have asked the board if they would approve the hours in Kentucky.

MOTION was made by Ms. June Huckleby and seconded by Ms. Janet Wormsley to deny Ms. Myers her request for an extension. Ms. Myers will be required to take the reinstatement examination and pass to obtain her instructor status. Motion carried unanimously.

Ms. Phoebe Simmons is requesting an extension from the 2007 cosmetology instructor seminar due to giving birth and financial obligations related to her pregnancy.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Simmons to send in documentation. If not able to submit the documentation, her instructor status will be removed. Request she take and pass the reinstatement examination to obtain her instructor status. Motion carried unanimously.

Ms. Brenda Brannon is requesting an extension from the 2007 cosmetology instructor seminar due to economic hardship.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Janet Wormsley to remove Ms. Brannon's instructor status and require she take the reinstatement examination to obtain her instructor status. Motion carried unanimously.

Mr. Nhut Nguyen submitted an application for reciprocity of his manicurist license. Ms. Waller stated this is a little confusing. Ms. Waller stated she spoke with Mr. Nguyen. Mr. Nguyen holds a valid license issued by the State of Oregon and certification from the Oregon Board states he was issued this license January 3, 2008 by reciprocity. He has submitted documentation he attended Portland Beauty School for 600 hours and then was permitted to obtain a license in which Ms. Waller stated she does not understand the certification stating reciprocity. Ms. Waller stated her recommendation to the board would be to require him to take the manicurist examination because he did advise her he did not take the manicurist examination in Oregon.

MOTION was made by Ms. Muriel Smith and seconded by Ms. Judy Golden to request Mr. Nguyen to take the manicurist examination and pass to become a licensed manicurist in the State of Tennessee. Motion carried unanimously.

Valeria Anguelova submitted an application for reciprocity of her cosmetology license from Bulgaria. Supporting documentation is a certificate verifying she worked as a hairdresser-stylist at the cosmetic salon of a five-star hotel from March 16, 1992 to January 23, 1999. No proof of education submitted.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to require Ms. Anguelova take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Annette J. Moran submitted an application for reciprocity of her cosmetology license from Uruguay. Supporting educational documentation states she obtained 836 hours at the end of first year as Hair Salon Assistant, 960 hours the second year as Hair Salon and Makeup Practical, and 866 hours at the end of third year as Beauty Technical. This covers years of 1993, 1994 and 1995. A letter of employment in a salon "Peinados Rosita" shows employed from December 1, 1996 until October 2001 was provided.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to require Ms. Moran take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Heide Segraves submitted an application for reciprocity of her cosmetology license from Mississippi. Ms. Seagraves obtained her cosmetology license in Mississippi, March 17, 2005 by reciprocity from Germany. No education information was submitted.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to require Ms. Segraves to take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Shelia Leitzel submitted an application for reciprocity of her cosmetology instructor license from the Commonwealth of Pennsylvania. Certification states she is licensed as a cosmetology instructor and obtained her license May 15, 1993 by examination. Cosmetology hours in Pennsylvania are 1,250 and instructor hours required are 500. She submitted a course outline that indicated she completed 1,260 hours in cosmetology and 600 teacher course hours which would be a total of 1,860 hours. The total hours for cosmetologist instructor in Tennessee are 1,800.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to approve reciprocity for Ms. Leitzel. Motion carried unanimously.

Carol Allison submitted an application for reciprocity of cosmetology license from Florida. She received her education in Pennsylvania with 1,200 hours and she holds a valid license in the State of Florida which requires 1,200 hours of instruction. She submitted a work history for 1999, 2001, 2002, 2005 and 2006. Ms. Waller sent her a letter advising her we need proof of 2003 and 2004 work history to have a recent and consistent five year work history and she advised her the owner of the Beauty Land where she worked during those years has left Florida and moved to Canada and she cannot get that work history.

MOTION was made by Ms. Muriel Smith and seconded by Ms. June Huckleby to request Ms. Allison to take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Virginia College of Business and Health previously submitted their application and floor plan for a school of cosmetology in which the board approved the floor plan. They are now ready for inspection and have submitted the 22 enrollment agreements from students. Twenty of the 22 enrollment agreements are marked as full time students as required. They would like to be inspected April 8, 2008 which Ms. Waller has discussed with Ms. June Huckleby, Board Member.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to send an inspector and board member to inspect. Motion carried unanimously.

Etta Green is requesting an extension from the 2006 cosmetology instructor seminar. Ms. Green states she did not attend due to family and financial problems.

MOTION was made by Ms. Linda Colley and seconded by Ms. Nina Coppinger to decline her request for extension and request she pass the cosmetology instructor reinstatement examination. Motion carried unanimously.

Kristin Ainslie Wagner is requesting reciprocity of her cosmetology license from Florida. She obtained her original license December 3, 2004. Education is 1,200 hours of instruction in the cosmetology program at Paul Mitchell The School in Orlando, Florida. Her work history is not five years. The years of work history she has is 2003, 2004, 2005 and 2006.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Ms. Wagner take the examination and pass to become a licensed cosmetologist in the State of Tennessee. Motion carried unanimously.

Nancy Lyke submitted an application for examination she has completed 750 hours of instruction in the esthetics curriculum at Paul Mitchell The School. When examination application was submitted no proof of high school education or GED was provided. She is working on her GED. She has no green card and her current application for green card expired May 14, 2007 with a one year extension which will expire May 14, 2008. The applicants states Paul Mitchell allowed her to enroll knowing this information. Ms. Waller spoke with the school and advised this is a document that should have been in her file and submitted at the time of enrollment. The applicant advised Ms. Waller her high school information from Mexico has been lost and it is hard to get documents from Mexico. The school said she had advised them she had her diploma at home.

Ms. June Huckleby stated that the school is at fault for not requesting the educational documents. Ms. Judy Golden stated that when Ms. Janet Wormsley and she were at a school they called the office and spoke with Ms. Debbie Smith who told them that we are not requiring educational documents anymore. Ms. Waller advised the board that this was incorrect. Chairman H. D. Adcock stated that the proof of education could be in the financial aid file.

MOTION was made by Ms. Nina Coppinger and seconded by Ms. Muriel Smith that students must have proof of high school diploma or GED before taking the examination. Motion carried unanimously.

Amy C. Gerwig submitted an application for reciprocity of her skin care license from Florida. Certification states she obtained her license January 13, 2003. Florida requires 260 hours. Actually she is requesting the board to approve her to take the esthetics examination, since she does not have a five year work history. She has submitted documentation of services she has provided and retail sold from February 2003 to January 2007.

MOTION was made by Ms. Linda Colley and seconded by Ms. June Huckleby to request Ms. Gerwig to take her remaining hours then take and pass the esthetics examination to become licensed in the State of Tennessee. Motion carried unanimously.

Board members were given a list of their schools that they are to inspect.

Consent orders totaled \$13,500.00

Nico's Salon
2402 Fairmont Drive
Signal Mountain, TN 37377

Violation issued November 21, 2007
Pd \$500.00 on 2-29-08

Top of the Line Nails
3041-A Dickerson Road
Nashville, TN 37207

Violation issued January 9, 2008
Pd \$2,000.00 on 2-29-08

Straight Perm Studio
99 Seaboard Lane
Brentwood, TN 37027

Violation issued January 12, 2008
Pd \$1,500.00 on 3-10-08

Nina's Nail Salon
1352 Madison Avenue
Memphis, TN 38104

Violation issued November 6, 2007
Pd \$1,000.00 on 3-11-08

Nails Pro
1000 Rivergate Pkwy
Goodlettsville, TN 37072

Violation issued January 11, 2008
Pd \$2,000.00 on 2-15-08

Glossy Nails

367-G Vann Drive
Jackson, TN 38305

Violation issued December 7, 2007
Pd \$500.00 on 3-25-08

Top Nails
4340 Ringgold Road
Chattanooga, TN 37412

Violation issued January 25, 2008
Pd \$4,000.00 on 3-20-08

UV Nails
120 S. Peters Road #1
Knoxville, TN 37923

Violation issued January 8, 2008
Pd \$2,000.00 on 3-31-08

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No. L-08-COS-RBS-200800582-1

Anonymous complainant alleges that a cosmetology student who is HIV-positive is performing services at the school as well as having services performed on him at the school. School owner states that the student does not have any parasitic infestation or infectious or contagious disease in a communicable stage, that the type of illness the Complainant is referencing is “protected by strict federal guidelines” and that the school has adequate procedures in place to guard against the threat of disease transmission.

Recommendation: Gather additional information. Consider possible rules change to reflect federal law governing certain infectious diseases which are subject to protection as a disability.

2. Case No. L-08-COS-RBS-200800478-1/200800595-1

Two former students complain that they received inadequate instruction at this cosmetology school and that they did not feel prepared to take the licensure examination and that they feel that the monies they paid for an education should be refunded by the institution.

Recommendation: Dismiss

3. Case No. L-08-COS-RBS-200800554-1

Inspector reports in Notice of Violation issued February 6, 2008 that she observed that all operators' licenses were in the manager's office and not posted at the respective workers work stations. None of the workers were wearing identification tags. Also, one operator's license had expired at inspection time. He was observed working.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$2,000.00.

4. Case No. L-08-COS-RBS-200800605-1

Inspector reports in Notice of Violation issued February 29, 2008 that this licensee changed shop locations and before notifying the Board and receiving the required inspection. The licensee's application for an address change and the appropriate fees were received in the Cosmetology office five (5) days after the Notice was issued.

Recommendation: Close with a letter of warning.

5. Case No. L-08-COS-RBS-200800681-1

Inspector reports in Notice of Violation issued March 5, 2008 that he observed an unlicensed individual providing license-required service in this shop at inspection time. Inspector reports also that the unlicensed individual has 1600 hours from a cosmetology school in California, but has not taken the Tennessee written exam yet.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$500.00.

6. Case No. L-08-COS-RBS-200800679-1

Inspector reports in March 7, 2008 Notice of Violation that she observed an unlicensed individual providing license-required service in the shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.

7. Case No. L-08-COS-RBS-200800678-1

Inspector reports in Notice of Violation issued March 7, 2008 that he observed an individual providing license-required service without a license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

8. Case No. L-08-COS-RBS-200800683-1

Inspector reports in Notice of Violation issued March 4, 2008 that she discovered that this shop had changed ownership as of June 2007, but that the new owner had failed to report the change and pay the required fees.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$500.00.

9. Case No. L-08-COS-RBS-2008006081

Inspector reports in a Notice of Violation issued February 21, 2008 that she discovered that no manager was present and on-duty at inspection time. She also reported that a lounge bed and hot pot for waxing were present in the shop. She also noted that the ownership of the shop had changed, yet no paperwork for change of ownership had been submitted to the Board's office at the time.

Prior Violations-

2/17/95-unlicensed operators, paid \$3,000

8/5/03-violation unspecified-paid \$1,000

11/23/05 and 1/13/06-MMA in use and wax machine present in shop. Pedicure tubs were dirty, paid \$300.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$4,000.00.

10. Case No. L-08-COS-RBS-200800551-1

Inspector reports in Notice of Violation issued February 12, 2008 that no manager was present at inspection time. Inspector also reported that an unlicensed individual was providing license-required services with a license that had expired in 2001.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$2,000.00.

11. Case No. L-08-COS-RBS-200800546-1

Inspector reports in Notice of Violation dated February 6, 2008 that at inspection time, the shop license was expired as of September 30, 2006. The shop license is now current.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$2,000.00.

12. Case No. L-08-COS-RBS-200800549-1

Inspector reports in Notice of Violation dated February 8, 2008 that shop owner was working without a shop license at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

13. Case No. L-08-COS-RBS-200800541-1

Inspector reports in Notice of Violation dated February 20, 2008 that the shop owner was working at inspection time with an expired operator's license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

14. Case No. L-08-COS-RBS-200800542-1

Inspector reports Notice of Violation issued February 8, 2008 that he observed an individual providing license-required services without a license.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

15. Case No. L-08-COS-RBS-200800538-1

Inspector reports in Notice of Violation issued February 14, 2008 that an unlicensed individual was providing license-required services at inspection time.

Prior history

2005 & 2006- violation for unlicensed operators, paid \$1,000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$2,000.00.

16. Case No. L-08-COS-RBS-200800539-1

Inspector reports in Notice of Violation issued on February 22, 2008 that he observed the shop owner working while the shop license was expired. The shop license had been expired since October 31, 2007.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

17. Case No. L-08-COS-RBS-200800785-1

Inspector reports in Notice of Violation issued March 13, 2008 that he found the shop owner working in the shop while the shop license was expired. Further, he states that owner did not have a current personal cosmetology license posted and was not wearing an identification tag. Inspector also reported several sanitation violations, including:

- a) Floors were not swept and dirty
- b) Work stations were in a generally unsanitary condition
- c) Implements were not stored
- d) Dirty towels were not properly stored
- e) Paper towels were not provided in the bathroom
- f) Solution was not provided for wet sanitizer

Prior History:

3/1/06-unlicensed operator, paid \$500.00

7/20/06, 8/29/06, 12/12/06, unlicensed operators, lack of disinfectants and fumigants, paid \$1000.00

3/20/07, 6/08/07, unsanitary salon, unlicensed operators, expired licenses, lack of fumigants, \$2,000.00 CO issued, complaint closed 9/11/07

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$6,000.00.

18. Case No. L-08-COS-RBS-200800786-1

Inspector reports in a Notice of Violation issued March 13, 2008 that she observed an individual providing license-required services at inspection time without a valid, Tennessee state board-issued license. Inspector also reports that the shop ownership had changed and the new owner had failed to report the change of ownership to the board.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

19. Case No. L-08-COS-RBS-200800784-1

Inspector reports in a Notice of Violation issued March 19, 2008 that there was evidence of waxing service being provided in the manicure shop—hot wax and waxing implements were hidden a room adjacent to the manicuring salon. Inspector also reports several sanitary violations:

- a) Clean towels not stored
- b) Dirty files and buffers not sanitized and stored
- c) Dirty nail dusters and drill bits not sanitized and stored
- d) Pedicure sponges not properly stored

Prior History

8/22/03-expired cosmetology license, paid \$300.00

11/16/04-expired cosmetology license, wax machine, paid \$600.00

11/1/06- 6 spa chairs unsanitary, mold present on several pedicure tub jets, black water seepage when jets turned off, 3 persons without ID tags, wax machine in manicuring salon, paid \$1000.00

8/24/05, 3/23/07- unlicensed operators, paid \$2000.00

7/10/07-unlicensed operator observed working, paid \$1000.00

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$6,000.00.

20. Case No. L-08-COS-RBS-200800780-1

Inspector reports in Notice of Violation issued March 18, 2008 that she discovered a wax machine, which was hot and ready for use at inspection time, as well as waxing implements in the manicuring salon.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

21. Case No. L-08-COS-RBS-200800779-1

Inspector reports in Notice of Violation issued March 11, 2008 that he observed an individual providing license-required services in the shop at inspection time and that she exited the building through the back door upon his inquiry as to who she was. A search of the license roster indicates that this individual is not licensed by the board.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

22. Case No. L-08-COS-RBS-200800778-1

Inspector reports in Notice of Violation issued March 12, 2008 that she discovered a bed in a room adjacent to the manicuring salon.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$750.00.

23. Case No. L-08-COS-RBS-200800770-1

Inspector reports in Notice of Violation issued March 5, 2008 that she discovered a wax machine, which was hot and ready for use, in the manicuring salon. She also reports that the owner was not wearing a name tag at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,250.00.

24. Case No. L-08-COS-RBS-200800768-1

Inspector reports in Notice of Violation issued March 4, 2008 that she observed an individual providing license-required services without a license at inspection time.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of \$1,000.00.

25. Case No. L-07-COS-RBS-2007007817-1

Inspector reports that this shop is now closed and empty.

Recommendation: Dismiss.

26. Case No. L-08-COS-RBS-200800657-1

Consumer complainant alleges that this licensee overcharged her for a lace hair extension service and that the licensee failed to maintain the extension properly, resulting in damage to the extension. Licensee/owner states that the complainant was satisfied at the time the service was initially rendered, that she was relieved of responsibility for repair to the extension when the complainant opted to allow another salon to service the hair extension.

Recommendation: Dismiss.

27. Case No. L-08-COS-RBS-200800618-1

Consumer complainant alleges that she was refused service after she self-reported that she had once been infected with the Hepatitis B virus. Complainant states that she reviewed the cosmetology rules relating to communicable diseases and did not believe that she should be among the person who could legitimately be refused service. The director of the licensee school stated that the service providers acted properly in refusing service, as Hepatitis B is a communicable disease that is referenced in Milady's Standard. The director of the licensee school stated further that the service provider observed that the complainant had an open sore on her lip at the time service was to be provided.

Recommendation: Dismiss.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the recommendations. Motion carried unanimously.

OTHER BUSINESS

The board members were reminded that when they inspect a school to let the office know, so that a per diem can be completed during that pay period.

MOTION was made by Ms. Judy Golden and seconded by Ms. Pearl Eva Walker to adjourn the meeting. Motion carried unanimously.